

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 4032 of 1998

Between:

E.Shashibhushanam, S/o. Mashanna,
R/o. Venkatapur, Pebberu Mandal,
Mahaboobnagar Dist. PETITIONER

AND

- 1 Secretary to Government of A.P., I & CAD Department,
Hyderabad.
- 2 Superintending Engineer, Circle, Minor Irrigation,
I & CAD, Red Hills, Hyderabad.
- 3 Superintending Engineer, I & CAD, Circle No.2,
Pedderu, Mahaboobnagar Dist.
- 4 Superintending Engineer, I & CAD, Circle No.1,
Major Irrigation, Gadwal, Mahaboobnagar District
- 5 Superintending Engineer, Purchase Department,
Mahaboobnagar.
- 6 Superintending Engineer, R & B Dept.,
Balkampet, Hyderabad.
- 7 Commissioner, Wanaparthy Municipality,
Mahaboobnagar District.
- 8 Superintending Engineer, R & B., National High Way 7,
Kurnool. RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in insisting upon payment of EMD and experience certificate in respect of works notified including payment of EMD for the exempted portion of the works under G.O.Ms.No. 275 dated 26/09/1994 as illegal and without jurisdiction and violative of articles 14 and 21 of the Constitution and consequently direct the respondents not to insist upon payment of EMD and tax

clearance certificate in respect of works notified to the extent of exempted cost of work as per G.O.Ms.No.275 dated 26/09/1994.

Counsel for the Petitioner : Mr.S.LAKSHMA REDDY

Counsel for Respondents : GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

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ORDER

Challenging the action of the respondents in insisting upon payment of EMD and experience certificate in respect of works notified including payment of EMD for the exempted portion of the works under G.O.Ms.No. 275 dated 26.9.1994, the present writ petition is filed.

Learned Government Pleader appearing for respondents submits that no cause survives in this writ petition and it has become infructuous.

Recording the submissions made by the learned Government Pleader, this Writ Petition is dismissed as having become infructuous. No order as to costs.

N.V.RAMANA, J

Date: 21.4.2005

DA/SVV

To

- 1 The Secretary to Government of A.P., I & CAD Department, Hyderabad.
- 2 The Superintending Engineer, Circle, Minor Irrigation, I & CAD, Red Hills, Hyderabad.
- 3 The Superintending Engineer, I & CAD, Circle No.2, Pedderu, Mahaboobnagar Dist.
- 4 The Superintending Engineer, I & CAD, Circle No.1, Major Irrigation, Gadwal, Mahaboobnagar District
- 5 The Superintending Engineer, Purchase Department, Mahaboobnagar.

- 6 The Superintending Engineer, R & B Dept., Balkampet, Hyderabad.
- 7 The Commissioner, Wanaparthi Municipality, Mahaboobnagar District.
- 8 The Superintending Engineer, R & B., National High Way 7,
Kurnool.

9 Two CCs to the G.P. for Irrigation & CAD, High Court Buildings,
Hyderabad (OUT).

10 Two CD copies.